

आरत का राजपत्र
The Gazette of India



असाधारण

EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. ५०] नई विल्सनी, शुक्रवार, विसम्बर १, १९७८/अग्रहायण १०, १९००

No. ५०] NEW DELHI, FRIDAY, DECEMBER १, १९७८/AGRAHAYANA १०, १९००

इस भाग में भिन्न पाल संख्या से जारी है जिससे इक वह अलग संख्यन के स्पष्ट में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 1st December, 1978:—

I

BILL NO. XV OF 1978

A Bill further to amend the Constitution of India

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 1978.

Short title.

2. In the Eighth Schedule to the Constitution,—

Amend-
ment of
Eighth
Schedule

(a) entries 7 to 15 shall be re-numbered as entries 8 to 16 respectively; and

(b) before entry "8" as so re-numbered, the entry "7. Maithili." shall be inserted.

STATEMENT OF OBJECTS AND REASONS

Maithili is a rich language. It is spoken by more than two crores of people in our country. Besides, it has acquired an international character in the sense that it is spoken in Nepal also beyond the frontiers of India. The Sahitya Academy has already recognised it as one of the languages of India. What remains to be done is to get it included in the Eighth Schedule to the Constitution of India so as to confer on it constitutional recognition.

This Bill seeks to achieve this object.

SHIVA CHANDRA JHA.

II

BILL No. IV OF 1978

A Bill further to amend the Constitution of India.

Be it enacted by Parliament in the Twenty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Constitution (Amendment) Act, 1978.

Short title.

2. In article 120 of the Constitution,—

Amendment of article 120.

(a) in clause (1), for the words "in Hindi or in English", wherever they occur, the words "in Tamil, Hindi or in English" shall be substituted; and

(b) clause (2) shall be omitted.

3. In article 210 of the Constitution,—

Amendment of article 210.

(a) in clause (1), for the words "in Hindi or in English", the words "in Tamil, Hindi or in English" shall be substituted;

(b) clause (2) shall be omitted.

4. In Part XVII of the Constitution,—

Amendment of Part XVII.

(a) for the heading "OFFICIAL LANGUAGE", the heading "OFFICIAL LANGUAGES" shall be substituted; and

(b) in Chapter I, for the heading "LANGUAGE OF THE UNION" the heading "LANGUAGES OF THE UNION" shall be substituted.

Amend-
ment of
article
343.

5. In article 343 of the Constitution,—

(a) for the marginal heading "Official language of the Union", the marginal heading "Official languages of the Union" shall be substituted;

(b) in clause (1),—

(i) for the word "language", the word "languages" shall be substituted,

(ii) and after the words "Devnagari script", the words "and Tamil in Tamil script" shall be inserted;

(c) in clause (3),—

(i) in sub-clause (a), the word "or" shall be omitted; and

(ii) sub-clause (b) shall be omitted;

(d) after clause (3), the following clause shall be added, namely:—

"(4) Whenever Tamil, Hindi or English is used for any of the official purposes, a translation of the same in English, Hindi, or Tamil, as the case may be, shall be made available."

Substitu-
tion of
article 344.

6. For article 344 of the Constitution, the following article shall be substituted, namely:—

Commis-
sion and
Commit-
tee of
Parlia-
ment on
official
langu-
ages.

"344. (1) The President shall, as soon as may be, by order constitute a permanent Commission which shall consist of a Chairman and such other members representing the different languages specified in the Eighth Schedule as the President may appoint, and the order shall define the procedure to be followed by the Commission.

(2) The Chairman and members shall hold office for three years from the date of appointment and the President shall from time to time fill up the vacancies by fresh appointment.

(3) It shall be the duty of the Commission to make recommendations to the President from time to time as to—

(a) whether, in addition to Hindi and Tamil, any of the other languages, mentioned in the Eighth Schedule may be declared as official language of the Union;

(b) the progressive use of the official languages mentioned in clause (1) of article 343;

(c) the languages to be used for all or any of the purposes mentioned in article 348;

(d) any other matter referred to the Commission by the President as regards the official languages of the Union and the languages for communication between the Union and a State or between one State and another and their use.

(4) In making their recommendations under clause (3), the Commission shall have due regard to—

(a) the development, vocabulary and the suitability of the language to be declared as an official language and the interests of the persons speaking the language; and

(b) the industrial, cultural and scientific advancement of India, and the just claims and the interests of persons belonging to the non-Hindi or non-Tamil speaking areas in regard to the public services.

(5) There shall be constituted a Committee consisting of thirty members, of whom twenty shall be members of the House of the People and ten shall be members of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States in accordance with the system of proportional representation by means of the single transferable vote.

(6) It shall be the duty of the Committee to examine the recommendations of the Commission constituted under clause (1) and to report to the President their opinion thereon.

(7) Subject to the provisions of article 343 and clause (8) of this article, the President may, after consideration of the report referred to in clause (6), issue direction in accordance with the whole or any part of that report.

(8) If the report referred to in clause (6) recommends the declaration of any of the languages mentioned in the Eighth Schedule, in addition to Tamil, as the official language of the Union, Parliament shall, by law, declare the language so recommended as the official language of the Union and clause (1) of article 343 shall have effect as if the said language is also included in that clause. Such law may contain such supplemental, incidental and consequential provisions as may be necessary.”.

7. In article 345 of the Constitution, after the words “or Hindi”, the words “or Tamil” shall be inserted.

Amendment of article 345.

8. In article 346 of the Constitution, in the proviso, after the word “Hindi”, the words “or Tamil” shall be inserted.

Amendment of article 346.

9. In article 348 of the Constitution, in clause (2), after the word “Hindi”, the words “or Tamil” shall be inserted.

Amendment of article 348.

10. Article 351 of the Constitution shall be omitted.

Omission of article 351.

STATEMENT OF OBJECTS AND REASONS

1. The ultimate object of this Bill is to make all the principal languages of India as the official languages of the Union with a view to preserve, strengthen and extend the bonds of our unity. As a first step in this direction the Bill makes Tamil as one of the official languages.

2. At the time of the passing of the Constitution of India when Hindi was made the sole official language of the Union, the interests of non-Hindi speaking people and the practical difficulties in enforcing Hindi as the sole official language of the Union were completely overlooked. The advisability or feasibility of having more than one language as the official languages for our country of continental proportions was not at all considered at that time. Perhaps India is the only multilingual country that claims to be a federation but has only one official language. In any federal constitution either there is no reference to it as in the case of the U.S.S.R. and the U.S.A. or more than one language is mentioned as in the constitutions of Switzerland, Canada or Yugoslavia. Hindi is, at best only a regional language and it is not entitled to any preferential treatment over other languages in the country. It is of very recent origin, not well developed and its vocabulary and syntax are not adequate to meet all requirements in respect of expression, communication and development. It includes a plethora of dialects often having less affinity with one another than with the dialects of other languages. Moreover, there is nothing that can be identified as standard Hindi yet, though there are many species known as the highly Sanskritised "Official" or "Government Hindi", "Radio Hindi" and the *Khariboli* Hindi and its effect is, in the words of Dr. Suniti Kumar Chatterji, "its native speakers go one way, and those who have adopted it go another way. The result is largely a linguistic chaos which is now being sought to be passed on the rest of India". Further there is a great linguistic awakening all over the country and Hindi's attempt to inflate the number of its speakers is being resisted by others in "Hindi areas" whose mother-tongue is not really Hindi. That is why the census figures of Hindi speakers are progressively dropping. Public opinion and agitations have shown strong disapproval of Hindi being the sole official language.

3. Generally, the Indian languages and particularly the fifteen languages mentioned in the Eighth Schedule to our Constitution can be classified under two family groups: (1) The Indo-Aryan Family and (2) The Dravidian Family. Hindi cannot be the link language for the two groups nor for the Dravidian languages. In order to accord equal status to the Dravidian language family and the Indo-Aryan language family, it is considered necessary that one of the languages belonging to the former should immediately be declared as the official language of the Union. For this purpose Tamil which is not only the oldest of the modern Dravidian languages but also has one of the longest unbroken literary traditions of any of the world's languages, alive or dead and one of the official languages in some of the South East Asian Countries may be included in Clause (i) of article 343 as official languages of the Union, thereby restoring to Tamil the status it deserves. Since it is not possible by one

stroke of pen to include all the other languages mentioned in the Eighth Schedule as official languages of the Union for purposes of article 343 without ascertaining the views of the people speaking the said languages, it is proposed to constitute a Commission and a Committee to examine the necessity to recognise such languages also as official languages of the Union.

4. If the Committee recommends that any of the languages mentioned in the Eighth Schedule may, in addition to Tamil, be declared as the official language of the Union, it will be incumbent on Parliament to enact a law declaring the language so recommended as the official language of the Union. The present Bill is intended to prevent national disintegration on account of language controversy and gives equal status to all the languages in the Eighth Schedule.

5. The Special provisions contained in article 351 enjoining on the Union Government a duty to develop the Hindi language as a medium of expression results in undue preference to one regional language at tax-payers' money. Accordingly, the Bill seeks to omit this provision.

MURASOLI MARAN.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for constitution of a permanent Commission on official languages as also for appointment of the Committee of Parliament to examine the recommendations of the Commission. Constitution of permanent Commission would involve a non-recurring expenditure of about Rs. 2 lakhs from the Consolidated Fund of India. A recurring expenditure of about Rs. 3 lakhs would also be involved from the Consolidated Fund of India on the Commission and the Committee.

S. S. BHALERAO,
Secretary-General.